

14-11-2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

10.11.2005

Applicant's or agent's file reference
TXEX 513814 137472

IMPORTANT NOTIFICATION

International application No.
PCT/BE2004/000122

International filing date (day/month/year)
27.08.2004

Priority date (day/month/year)
27.08.2003

Applicant
RECTICEL

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

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PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TXEX 513814 137472	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/BE2004/000122	International filing date (day/month/year) 27.08.2004	Priority date (day/month/year) 27.08.2003
International Patent Classification (IPC) or national classification and IPC B29C44/12, B29C44/08		
Applicant RECTICEL		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 8 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. *(sent to the applicant and to the International Bureau)* a total of 2 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 27.06.2005	Date of completion of this report 10.11.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Pipping, L Telephone No. +31 70 340-3430



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/BE2004/000122

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-26 as originally filed

Claims, Numbers

6(part), 7-29 as originally filed
1-5, 6(part) filed with telefax on 06.10.2005

Drawings, Sheets

19-9/9 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
 - the entire international application,
 - claims Nos. 14-29

because:

 - the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. 14-29

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form	<input type="checkbox"/> has not been furnished
	<input type="checkbox"/> does not comply with the standard
the computer readable form	<input type="checkbox"/> has not been furnished
	<input type="checkbox"/> does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

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PCT/BE2004/000122

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	10
	No: Claims	1-9; 11-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item III.

- 1 Although claims 1, 14 and 25 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

The application is considered as being unitary of invention because it refers to, cf. claims 1, 14 and 25, "A method for manufacturing a composite trim part which is arranged to be mounted in particular in an automotive vehicle to form a part of the interior thereof and which comprises a three-dimensionally shaped laminate of a flexible skin layer (1), a rigid backing substrate layer (2) and an intermediate layer (3), in particular a foam layer, arranged between the flexible skin layer and the rigid substrate layer and adhering the flexible skin layer and the rigid substrate layer to one another".

Since it has to be assumed that the matter for which protection is sought is contained by independant claim 1, claims 14-29 will not be considered with respect to novelty and inventive step in this international preliminary report.

Re Item V.

- 1.1 The following documents are referred to in this communication:

D2: GB-A-1 263 620
D5: EP-A-0 563 670

2 INDEPENDENT CLAIM 1

- 2.1 The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, cf. page 2, lines 64-74 and page 2, line 114-page 3, line 9, and discloses (the references in parenthesis applying to this document): a method for

manufacturing a composite trim part which is arranged to be mounted in particular in an automotive vehicle to form a part of the interior thereof and which comprises a three-dimensionally shaped laminate of a flexible skin layer (14), a rigid backing substrate layer (6) and an intermediate layer, in particular a foam layer (11), arranged between the flexible skin layer and the rigid substrate layer and adhering the flexible skin layer and the rigid substrate layer to one another, the method comprising the steps of: providing a mould (8, 9) comprising a first mould half (8), having a first mould surface with a predetermined three-dimensional shape, and a second mould half (9), having a second mould surface with a further predetermined three-dimensional shape, the first and second mould halves being movable with respect to one another to open and close said mould (8, 9) and defining a first mould cavity in the closed mould position; forming the flexible skin layer (14) with its front side against the first mould surface according to a low pressure forming process; forming said rigid substrate layer (6) with its back side against the second mould surface; bringing both mould halves (8, 9) together to close the mould (8, 9), with a gap remaining between the skin layer (14) on the first mould surface and the substrate layer (6) on the second mould surface; applying a curable material between the skin layer (14) on the first mould surface and the substrate layer (6) on the second mould surface, and allowing it to cure in the closed position of the mould (8, 9) to produce the intermediate layer (11) in said gap, the curable material being in particular a foamable material which is allowed to foam in the closed position of the mould (8, 9); and opening the mould (8, 9) and removing the moulded trim part therefrom, wherein said substrate layer (6) is formed with its back side against the second mould surface by pouring liquid plastics material upon the lid of the mould.

The subject-matter of claim 1 therefore differs from this known method in that the substrate layer is formed according to a low pressure forming process being selected from the group consisting of a spray process, a reaction injection moulding process, a liquid slush moulding process, a powder slush moulding process and a thermoforming process.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as how

to mould a substrate layer which is not flat, see page 6, lines 21-25.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because thermoforming the substrate is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed, cf. D5, column 2, line 18-37 where two thermoformed sheets are joined by a foamed interlayer.

3.1 DEPENDENT CLAIMS 3-6, 8, 9, 13

Dependent claims 3-6, 8 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT), see the search report. In claim 9 an "electrical and/or mechanical component" is claimed. A mechanical component can be found in D2, see reference no. 7 in the figures.

3.2 DEPENDENT CLAIMS 2, 7, 11 and 12

Dependent claims 2, 7, 11 and 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT), because the features of these claims are merely chosen from several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

3.3 DEPENDENT CLAIM 10

The combination of the features of dependent claim 10 is neither known from, nor rendered obvious by the available prior art, because none of the documents cited in the search report suggests that electrical components are embedded in the substrate and the skin layers respectively, which make contact with each other upon closing the mould cavity.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/BE2004/000122

The above solution solves the problem of how to install an electrical component in a composite trim part.

4 INDUSTRIAL APPLICABILITY

All claims fulfill the requirements of industrial applicability.

CLAIMS

1. A method for manufacturing a composite trim part which is arranged to be mounted in particular in an automotive vehicle to form a part of the interior thereof and which comprises a three-dimensionally shaped laminate of a flexible skin layer (1), a rigid backing substrate layer (2) and an intermediate layer (3), in particular a foam layer, arranged between the flexible skin layer and the rigid substrate layer and adhering the flexible skin layer and the rigid substrate layer to one another, the method comprising the steps of:

5 – providing a mould (5, 8) comprising a first mould half (5), having a first mould surface (4) with a predetermined three-dimensional shape, and a second mould half (8), having a second mould surface (7) with a further predetermined three-dimensional shape, the first and second mould halves being movable with respect to one another to open and close said mould (5, 8) and defining a first mould cavity (11) in the closed mould position;

10 – forming the flexible skin layer (1) with its front side against the first mould surface (4) according to a low pressure forming process;

15 – forming said rigid substrate layer (2) with its back side against the second mould surface (7);

20 – bringing both mould halves (5, 8) together to close the mould (5, 8), with a gap remaining between the skin layer (1) on the first mould surface (4) and the substrate layer (2) on the second mould surface (7);

25 – applying a curable material between the skin layer (1) on the first mould surface (4) and the substrate layer (2) on the second mould surface (7), and allowing it to cure in the closed position of the mould (5, 8) to produce the intermediate layer (3) in said gap, the curable material being in particular a foamable material which is allowed to foam in the closed position of the mould (5, 8); and

30

- opening the mould (5, 8) and removing the moulded trim part therefrom,
characterised in that said substrate layer (2) is formed with its back side
against the second mould surface (7) according to a further low pressure
5 forming process, said low pressure forming process and said further low
pressure forming process being selected, independently from one
another, from the group consisting of a spray process, a reaction
injection moulding process, a liquid slush moulding process, or a powder
slush moulding process and a thermoforming process.